UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,296	02/28/2002	Yoshifumi Kawaguchi	JP920010054US1	7523

7590	11/30/2005

Duke W. Yee, Esq.
Yee and Associates
4100 Alpha Road, Suite 100
Dallas, TX 75241

EXAMINER
WINTER, JOHN M

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/085,296	KAWAGUCHI ET AL.
		Examiner	Art Unit
		John M. Winter	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 September 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _2-6,8,10-14 and 16-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _2-6,8,10-14 and 16-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claims 2-6,8,10-14 and 16-18 are pending.
Claims 1,7,9 and 15 are canceled

Response to Arguments

The Applicants arguments filed on September 13, 2005 have been fully considered. The Examiner states that the feature of "address information of said authentication server contained in said index file is encrypted, further comprising the step of decrypting the encrypted address information of said authentication server" is disclosed in the newly discovered reference Horstmann (US Patent 6,009,401).
The previouisly indicated allowability of claims 8,16 and 18 has been withdrawn in view of the newly discovered reference Horstmann (US Patent 6,009,401).
See following rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-6,8,10-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colosso (US Patent 6,169,976) in view of Hecksel et al. (US Patent No 6,151,707) and further in view of Frison et al. (US Patent 6,049,789) and further in view of Horstmann (US Patent 6,009,401).

As per claim 3,
Colosso ('976) discloses a method for updating a license period of a program; comprising:
a step of issuing a request to an index server for transmission of an index file if a determination made by said first determination step is false;(Column 9, lines 16-29 [generating an account])
a step of receiving the index file from said index server;(Column 11, lines 34-48; column 12 lines 19-37 [.. emails serial number and connection identifier])
a step of receiving authentication information from said authentication server;(Column 15, lines 19-25 .. sends key information to the customer..)
a second determination step of determining whether information indicative of success of authentication is contained in said authentication information;(Column 15, lines 45-60 [the

customer is provided a second opportunity to enter valid information .. obviously this point . would only be reached if the initial attempt of authentication was unsuccessful.])

a step of updating the license period of said program if a determination made by said second determination step is true.(Column 16, lines 5-9 [stores the keys ..])

Colosso ('976) does not specifically disclose a first determination step of determining whether a current date and time is within a license period of the program. Hecksel et al. ('707) discloses a first determination step of determining whether a current date and time is within a license period of the program.(Abstract [determining a current registration status based on a current data, a reference date, and conducting post registration activity based on the status of the program.]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Colosso ('976) method with the Hecksel et al. ('707). method in order to determine the status of the license.

Colosso ('976) does not specifically disclose a step of issuing an authentication request to an authentication server with an address of the authentication server contained in said index file;(Column 13, lines 7-19). Frison et al. ('789) discloses a step of issuing an authentication request to an authentication server with an address of the authentication server contained in said index file (Figure 5, Column 3, lines 55-66 [... other information such as date, time ,host, user ...]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Colosso ('976) method with the Frison et al. ('789) method in order to determine the status of the license.

Colosso ('976) does not specifically disclose wherein address information of said authentication server contained in said index file is encrypted, further comprising the step of decrypting the encrypted address information of said authentication server

Horstmann '401 discloses wherein address information of said authentication server contained in said index file is encrypted, further comprising the step of decrypting the encrypted address information of said authentication server (Column 5, lines 3-16 [ticket contains machine ID, and is decrypted by the product server]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Colosso ('976) method with the Horstmann (''401) method in order to protect the license information from tampering during transmission from server to client.

Claims 11 and 17 are in parallel with claim 1 and is rejected for at least the same reasons.

As per claim 2,
Colosso ('976) discloses the method according to claim 1,
wherein said first determination step is performed upon activation of said program, and wherein said program becomes executable after updating said license period. (Column 16, lines 13-21)

Claim 10 is in parallel with claim 2 and is rejected for at least the same reasons.

As per claim 4,
Colosso ('976) discloses the method according to claim 1,

wherein said authentication request contains user identification information to determine whether a user belongs to a group that is licensed to use said program. (Column 13, lines 20-39)

Claim 12 is in parallel with claim 4 and is rejected for at least the same reasons.

As per claim 5,
Colosso ('976) discloses the method according to claim 4,
further comprising the step of displaying a display screen before issuing said authentication request, the display screen requiring inputting of said user identification information and, if necessary, a password.(Column 13, lines 7-19)

Claim 13 is in parallel with claim 5 and is rejected for at least the same reasons.

As per claim 6,
Colosso ('976) discloses the method according to claim 5,
Official Notice is taken that "wherein said index file contains information about the terms of the license of the program, and wherein said display screen displays information about the terms of the license of said program in addition to the requirement of inputting said user identification information and said password" is common and well known in prior art in reference to licensing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to display terms and usage information along with inputting a password in order to determine that the cinsumer has considered the terms of usage. The Examiner notes that this feature is commonly implemented in end user license agreements (EULA's).

Claim 14 is in parallel with claim 6 and is rejected for at least the same reasons.

Claims 7,15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colosso (US Patent 6,169,976).

As per claim 7,
Colosso ('976) discloses a method for licensing the use of a program, comprising the steps of:
    receiving a request from a user;(Column 9, lines 16-29)
    creating or selecting an index file containing address information of a server that grants authentication regarding a license of the program to be used by the user in response to receipt of the request; and sending said index file to the user who issued said request. (Column 11, lines 34-48; column 12 lines 19-37; column 13, lines 7-19)

Claims 15 and 18 are in parallel with claim 7 and are rejected for at least the same reasons.

As per claim 8,

Colosso ('976) discloses a method licensing the use of a program comprising the steps of

receiving a request from a user; (Column 9, lines 16-29)

Colosso ('976) does not specifically disclose creating or selecting an index file containing address information of a server that grants authentication regarding a license of the program to be used by the user in response to receipt of the request; wherein said address information contained in said index file is encrypted and, sending said index file to the user who issued said request. Horstmann '401 discloses wherein creating or selecting an index file containing address information of a server that grants authentication regarding a license of the program to be used by the user in response to receipt of the request; wherein said address information contained in said index file is encrypted and, sending said index file to the user who issued said request. (Column 5, lines 3-16 [ticket contains machine ID, and is decrypted by the product server]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Colosso ('976) method with the Horstmann (''401) method in order to protect the license information from tampering during transmission from server to client.

Claims 16 and 18 are in parallel with claim 8 and are rejected for at least the same reasons.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is **(571) 272-6713**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

(703) 305-7687   [Official communications; including After Final communications labeled "Box AF"]

(703) 308-1396   [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

    Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW
November 28, 2005

PRIMARY EXAMINER